

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Richard Eugene Warren, #70974-083,)	
)	C/A No. 3:10-2086-MBS
Petitioner,)	
)	
vs.)	
)	O R D E R
Darlene Drew, et al.,)	
)	
Respondent.)	
_____)	

Petitioner Richard Eugene Warren is an inmate in custody of the Federal Bureau of Prisons. At the time of the underlying events, Petitioner was housed at FCI-Bennettsville in Bennettsville, South Carolina. Petitioner now is housed at FCI-Fort Dix in Fort Dix, New Jersey. Petitioner, proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, alleging that his First Amendment rights had been violated because officials at FCI-Bennettsville refused to allow him to receive a Bible mailed to him by a church, opened his mail, delayed receipt of incoming legal and other mail, and delayed the mailing of his outgoing legal and other mail. Petitioner seeks injunctive relief.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. On November 18, 2010, the Magistrate Judge issued a Report and Recommendation in which he recommended that the within action be summarily dismissed because (1) the claims raised are not cognizable under § 2241; and (2) Petitioner's claims became moot when he was transferred to FCI-Fort Dix. Accordingly, the Magistrate Judge recommended that the § 2241 petition be dismissed without prejudice and without requiring Respondent to file an answer or return. Petitioner filed no objection to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. Petitioner’s § 2241 petition is dismissed without prejudice and without requiring Respondent to file an answer or return.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

December 20, 2010.